

**ARTICLE VII
SUPPLEMENTARY REGULATIONS**

700. WATER AND AIR POLLUTION

All uses must satisfactorily comply with the requirements of the South Carolina Department of Health and Environmental Control and the Clarendon County Health Department regarding the protection of waterways from pollution by waste materials and the protection of the atmosphere from pollution by dust, smoke, or other waster materials. Lots shall be provided with adequate drainage and shall be graded so as to drain water away from the building. The minimum elevation of the lot shall be a level that will prevent ponding or flooding as a result of heavy rains. The entire lot shall be properly drained at a minimum slope of one-eighth inch per foot toward the roadside and/or lot swales. In no event should the lot be graded so as to throw the storm water onto the adjacent property or lot, except into a common ditch or swale established within an easement area on such property or lot for that purpose

701. STREET ACCESS

Except as herewith provided, no building shall hereafter be erected, constructed, moved, or relocated in a lot not located on a publicly dedicated, publicly accepted or publicly maintained street.

702. CORNER LOTS

On lots having frontage on more than one (1) street at an intersection, the minimum street side yard requirement shall be equal to at least seventy-five (75) percent of the minimum front yard requirement.

703. LOCATION OF BUILDINGS ON LOTS AND RESIDENTIAL LIMITATIONS

Every building or use hereafter erected or established shall be located on a Lot of Record, and every one- and two-family residential structure, except as herein provided, shall be located on an individual Lot of Record. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines at outer boundaries and, in no case, shall such buildings infringe beyond the building lines into the respective front, side, and rear yards or other setbacks required for in the district in which the lot is located.

704. DOUBLE FRONTAGE LOTS

On lots having frontage on two streets, not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two (2) streets, the minimum front yard shall be in accordance with the

regulations set forth in this Ordinance on all three (3) of the street frontages.

705. FRONT YARD REQUIREMENTS

The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built upon lots, located wholly or in part within one hundred (100) feet of each such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case shall setbacks be less than fifteen (15) feet.

**706. MEASUREMENT FROM FRONT, SIDE, REAR YARDS;
DETERMINATION OF BUILDABLE AREA**

The required front, side, and rear yards for individual lots, as set forth for the particular zoning district within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot that is not included in any required front, side, or rear shall be known as the "Buildable Area".

707. GARAGE SALES, YARD SALES, AND RUMMAGE SALES

Garage sales are permitted in all residential districts, provided that the following conditions are met:

- A. The maximum period for each sale is two (2) days.
- B. The maximum number of sales allowed per year is three (3) per family.
- C. No new or used merchandise is purchased or brought in for the sale.
- D. All merchandise is that of the immediate family or families conducting the sale.
- E. Only one (1) sign is posted advertising the sale and that sign is placed on the private property of the person conducting the sale.
- F. The hours of the sale will be between 8:00 a.m. and 6:00 p.m. No Sunday sales are allowed.
- G. No public address system is used.
- H. No alcoholic beverage of any type is served or given on or near the premises.
- I. If, upon inspection by the Zoning Administrator, the Building Inspector, or the Police Chief, he finds that in his opinion this Ordinance has been violated, a citation will then be issued or the right to continue with the sale will be terminated at once.

- J. The owner of any residence and/or the person having a garage sale under this Ordinance who shall fail to comply with any part of it shall, upon conviction thereof before the Town, be fined not exceeding two hundred (200) dollars.

708. HOME OCCUPATION

A home occupation shall be permitted in any residential district provided that such occupation.

- A. Is conducted by no persons other than members of the family residing on the premises;
- B. Is conducted within the principal building;
- C. Utilizes not more than twenty-five (25) percent of the total floor area of the principal building;
- D. Produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
- E. No display of products shall be visible from the street.
- F. Only articles made on the premises may be sold; except that non-durable articles (consumable products) that are identical to a service, which service shall be the principal use in the home occupation, may be sold on the premises;
- G. Creates no disturbance or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly conditions;
- H. Is not visibly evident from outside the dwelling except for a sign of one (1) square feet or smaller in size and mounted against a wall of the principal building;
- I. Provides offstreet parking commensurate with its occupation type as cited in Article IX, Section 912.

709. ACCESSORY USES

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

709.1 USES CUSTOMARILY ACCESSORY TO DWELLINGS

- A. Private garage not to exceed the following storage capacities: one- and two-family dwelling - four (4) automobiles; multiple-family dwelling - two (2) automobiles per dwelling; boarding house - one and one-half (1.5) automobiles per dwelling unit.
- B. Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed under Subsection 910.1 (A) above; and provided that such space shall not be used for more than one (1) commercial vehicle licensed as one (1) ton or less in capacity per family residing on the premises.
- C. Shed or tool room for the storage of equipment used in grounds or building maintenance.

- D. Private kennels as required. Kennels used for commercial purposes are prohibited.
- E. Private swimming pool and bath house or cabana.
- F. Structures designed and used for purposes of shelter in the event of manmade or natural catastrophes.
- G. Non-commercial flower, ornamental shrub, or vegetable garden, greenhouse, or slat house.

709.2 USES CUSTOMARILY ACCESSORY TO CHURCH BUILDINGS

- A. Religious educational buildings.
- B. Parsonage, parsonium or parish house, together with any use accessory to a dwelling as listed under Subsection 910.1
- C. Offstreet parking area for the use, without charge, of members and visitors to the church.

709.3 USES CUSTOMARILY ACCESSORY TO RETAIL BUSINESSES, OFFICE USES AND COMMERCIAL RECREATION FACILITIES

- A. Offstreet parking or storage area for customers, clients, or employee-owned vehicles.
- B. Completely enclosed building for the storage of supplies, stock, or merchandise.
- C. Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat, or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided that such operation is not otherwise specifically prohibited in the district in which the principal use is located.
- D. Accessory dwelling unit/residential unit.

710. SETBACK AND OTHER YARD REQUIREMENTS FOR ACCESSORY USES

In any district, all accessory uses operated in structures above ground level shall observe all setbacks, yard, and other requirements set forth for the district within which they are located.

711. OFFSTREET PARKING

Areas suitable for parking or storing automobiles in offstreet locations shall hereafter be required in zoning districts at the time of the initial construction of any principal building producing an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs. Such offstreet parking areas shall have direct access to a street or alley, and shall be provided and maintained in accordance with the following requirements as outlined in Section 610 Table 1.

711.1

APPROVAL OF OFFSTREET PARKING AND LOADING ZONES

Design and plans for off-street parking and loading zones shall be subject to the approval of the Zoning Administrator. The plans for parking lots shall show in detail the engineering and development details as to demonstrate compliance to the standards in the Ordinance. Plans for parking lots shall be approved before construction of the lot begins and a Business License will not be issued until those plans have been approved and fully implemented.

712.

DESIGN OF PARKING AREA

- A. All offstreet parking areas shall meet the following design requirements:
 - 1. All offstreet parking areas with the exception of parking areas for one- (1) and two- (2) family detached dwellings shall be so designed that vehicles will not be required to back onto or maneuver in the public right-of-way.
 - 2. The minimum size of one (1) parking space shall be nine (9) feet in width and nineteen (19) feet in depth, plus sufficient areas for access to and maneuvering for automobiles.
- B. Minimum driveway and aisle widths shall be as follows:
 - 1. The minimum aisle widths between parking areas are:
 - A) Ninety (90) degree parking -- Twenty-five (25) feet.
 - B) Sixty (60) degree parking – Eighteen (18) feet.
 - C) Forty-five (45) degree parking – Thirteen (13) feet.
 - D) Thirty (30) degree parking – Twelve (12) feet
 - 2. Minimum driveway widths or curb cuts which do not directly access parking spaces:
 - A) Twelve (12) feet for one-way traffic; must be properly marked for one-way traffic.
 - B) Twenty-four (24) feet for two-way traffic.
 - c) Only one (1) curb cut will be allowed on lots less than one hundred fifty (150) feet of frontage
 - d) No more than two (2) curb cuts per lot shall be permitted except in commercial and industrial districts where two (2) shall be permitted on each street upon which the lots front.
- C All off-street parking shall be paved with an approved impervious surface, such as asphalt or concrete, unless otherwise designated by the Zoning Board of Appeals, Planning Commission or Town

Council of Summerton. Off-street parking facilities shall be properly graded for drainage to prevent damage to abutting property and/or public streets or alleys. Off-street parking lots shall include curb and gutter and maintained in a clean, orderly and dust-free condition.

- D Off-street parking facilities for churches and related facilities do not have to be paved and curb and gutter is not required, unless doing activities that require a Business License.

713. LOCATION ON OTHER PROPERTY

If the required automobile parking space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other offstreet property, provided such property lies within four hundred (400) feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not hereafter be reduced or encroached upon in any manner.

714. COMMON OR SHARED OFFSTREET PARKING AREAS

Two (2) or more principal uses may utilize a common area in order to comply with offstreet parking requirements, provided that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this Section, and provided that the owner of said lot relinquish his development rights over the property until such time as parking space is provided elsewhere.

715. USE OF PUBLIC RIGHT-OF-WAY FOR MANEUVERING

When determining parking area requirements for uses other than residential, portions of the public right-of-way on streets may be considered as permissible for maneuvering incidental to parking. Parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.

716. EXTENSION OF PARKING SPACE INTO A RESIDENTIAL DISTRICT

Required parking space does not extend over one hundred twenty (120) feet into a residential zoning district, provided that (1) the parking space adjoins a commercial or industrial district, (2) has its only access to, or fronts upon the same street as the property in the commercial or industrial district for which it provides the required parking space and, (3) is separated from abutting properties in the residential district by a ten (10) foot wide evergreen buffer strip.

717. OFF-STREET LOADING AND UNLOADING SPACES

Every lot on which a business, trade, or industry is hereafter established shall provide space as indicated herein for the loading and unloading of

vehicles off the street. Such space shall have access to an alley, or if there is no alley, to a street. For the purpose of this Section, an offstreet loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and be clear and free of obstructions at all times. Required spaces shall be considered as follows:

- A. Retail business: One (1) space for each five thousand (5,000) square feet of gross floor area.
- B. Wholesale, industrial, governmental, and institutional uses, including public assembly places, hospitals, and educational institutions: One (1) space for the first twenty-five thousand (25,000) square feet of total floor area. For anything in excess of twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

<u>Square Feet</u>	<u>Number of Spaces</u>
25,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 349,000	5
For each additional 100,000 or fraction thereof	1 additional

- C. Multi-family residences with ten (10) or more dwelling units: One (1) space.

718. VISIBILITY AT STREET INTERSECTIONS

In all zoning districts established by this Ordinance, no fence, wall, terrace, sign, shrubbery, planting, or other structure or object capable of obstructing driver vision between the heights of three (3) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

719. VISIBILITY AT PRIVATE DRIVES AND ENTRANCES INTERSECTING WITH PUBLIC STREETS

At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge, or other planting or sign forming a material impediment to visibility between the height of two and one-half (2.5) feet and seven (7) feet shall be erected, planted, placed, or maintained.

720. EXCEPTIONS TO HEIGHT LIMITS

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy;

monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, flag poles, masts and aerials, provided that evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

721. PARKING, STORAGE OR USE OF CAMPERS OR OTHER MAJOR RECREATIONAL EQUIPMENT

No major recreational equipment shall be parked or stored on any lot in a residential district nearer to the street than the principal building of the lot fronting on that street; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading or unloading. Such equipment shall observe all setbacks, yard, and other requirements set forth within the residential districts in which they are located. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such uses.

722. FLOOD PLAINS AND FLOOD WAYS

The Department of Housing and Urban Development has designated certain lands within the municipal limits as being potentially flood prone. (See Official Flood Map addendum to Official Zoning Map). Upon adoption of this Ordinance by the Town Council, construction shall be allowed within a flood plain only upon issuance of a Certified Letter from the Zoning Administrator to the owner(s) or option holders of said property indicating adherence with flood plain regulations.

722.1 DEFINITIONS

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Section its most reasonable application.

- A. **Base flood** means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
- B. **Development** means any manmade change to improve real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- C. **Flood** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.

- D. **Flood plan** or **flood prone area** means any land area susceptible to being inundated by water from any source (see definition of "flood").
- E. **Flood plain variance** means a grant of relief by a community from the terms of flood plain management regulations.
- F. **Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- G. **Habitable floor** means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
- H. **Mobile home** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes, but is not limited to, the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3282.7 (a)).
- I. **Person** includes any individual or groups of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.
- J. **Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- K. **Structure** means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a mobile home.
- L. **Substantial improvement** means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the national register of historic places or a state inventory of historic places.

7.22.2 **REQUIRED PROVISIONS**

The following measures set out in this Section shall be required within Zone A of the Flood Hazard Boundary Map issued by the Federal Emergency Management Agency for the Town of Summerton.

7.22.3 **ELEVATION DATA**

The responsible person shall reasonably utilize any base flood elevation data available from the Flood Plain Information Study by the U.S. Army Corps of Engineers, or other source, until such other data has been provided by the Zoning Administrator, as criteria for requiring that:

- A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level, and
- B. All new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level.

722.4 **INSURANCE RATES**

For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on the Town of Summerton's Flood Hazard Boundary Maps, the responsible person shall:

- A. Obtain, or require the applicant to furnish, the elevation in relation to mean sea level of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement.
- B. Obtain, or require the applicant to furnish, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and
- C. Maintain a record of all such information.

722.5 **WATER SYSTEMS**

The responsible person and the Town Engineer shall require within flood prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

722.6 **SEWAGE SYSTEMS**

The responsible person and the Town Engineer shall require within flood prone areas:

- A. New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and
- B. On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

722.7 **SUBDIVISION SIZE LIMITATIONS**

The responsible person shall require that all subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposed base flood elevation data.

722.8 **NOTIFICATION REQUIREMENT**

The responsible person shall notify, in riverine situations, adjacent communities and the state water resources office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the federal insurance administration.

722.9 **CARRYING CAPACITY**

The responsible person shall assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

722.10 **MOBILE HOMES TO BE ANCHORED**

The responsible person shall require that all mobile homes to be placed within the flood plain (FP area) on the Town Zoning Map shall be anchored to resist flotation, collapse or lateral movement by providing frame ties or other ties to ground anchors. Specific requirements shall be that:

- A. Frame ties are provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side:
- B. All components of the anchoring system be capable of carrying a force of forty-eight hundred (4,800) pounds; and
- C. Any additions to the mobile home are similarly anchored.

722.11 **OFFICIAL MAP**

The flood hazard boundary map issued by the Federal Emergency Management Agency (FEMA) for the Town of Summerton, dated June 3, 1986, Panel Number 450054, and any officially published revisions to this map, are adopted as the official map for the enforcement of this Section. Zone A on this map delineates the area within which the requirements of this Section will be enforced.

723. **MOBILE HOMES ON INDIVIDUAL LOTS**

Mobile homes on individual lots are permitted uses in a GR District. Before the Zoning Administrator shall issue a permit for permitted use or the Planning Commission issues a special exception, the following conditions must be met:

- A. Such mobile homes shall be occupied as residences.
- B. Not more than one (1) mobile home shall be established on a Lot of Record.
- C. The wheels shall be removed.
- D. Such uses shall be placed on a permanent brick, permanent block, or other reinforced foundation, and shall be underpinned with brick, concrete block, continuous aluminum, or fiberglass skirting extending to the ground around the perimeter of the dwelling, and shall be anchored in compliance with the International Building Code.

724.

MOBILE HOME PARKS

Mobile home parks are permitted outright in GR Districts. Before the Zoning Administrator shall issue a permit to establish a mobile home park, the Planning Commission must first review and approve the site design and requirements contained herein.

The mobile home park shall meet the following requirements:

- A. **Number of Units:** No more than eight (8) units per acre.
- B. **Park Lighting:** All roadway intersections shall be provided with a street light.
- C. **Mobile Home Lots:**
 - 1. All mobile home lots shall front upon a roadway.
 - 2. All mobile home lots shall have a minimum of four thousand (4,000) square feet and be a minimum of forty (40) feet wide.
 - 3. A mobile home shall not cover more than twenty-five (25) percent of the lot on which it stands.
- D. **Setback between Structures**
 - 1. There shall be a minimum distance of fifteen (15) feet between the mobile home or any building or structure and the abutting park roadway.
 - 2. Mobile homes shall be placed at least twenty (20) feet apart.
 - 3. Mobile homes shall be at least twenty (20) feet from any common buildings.
 - 4. No accessory structure shall be erected within five (5) feet of any mobile home or within twenty (20) feet of any common building (i.e. offices or laundry facilities).
- E. **Park recreation:** Not less than ten (10) percent of the gross park site shall be set aside for recreational use.
- F. **Driveways:** Driveways shall be provided on lots where necessary for convenient access to mobile homes. The minimum width shall

be ten (10) feet for one-way traffic and twenty (20) feet for two-way traffic.

- G. **Parking Spaces**: The design criteria for automobile parking shall be based upon two (2) parking spaces for each mobile home lot. Parking may be in tandem.
- H. **Outdoor Living Area**: Each mobile home lot shall be provided with an outdoor living and service area. Such area shall be improved as necessary to ensure reasonable privacy and comfort. The minimum area shall be not less than three hundred (300) square feet.
- I. **Streets**:
 - 1. **General**. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets to each mobile home space. Such access shall be provided by streets, driveways, or other means.
 - 2. **Entrance Streets**. Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent streets. No parking shall be permitted on the entrance street for a distance of fifty (50) feet from its point of beginning.
 - 3. **Dead End Streets**. The closed end shall be provided with an adequate vehicular turn-around (sixty (60) feet diameter cul-de-sac).
 - 4. **Intersections**. Street intersections should generally be set at right angles. Non-aligned intersections and intersections of more than two (2) streets at one point should be avoided.
 - 5. **Extent of Improvements**. All streets shall be provided with a smooth, hard, and dense surface which shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks and holes and its edges shall be protected by suitable means to prevent raveling and shifting of the base. Unless otherwise designated by the Zoning Board of Appeals, Planning Commission or Town Council, these streets should be paved with concrete or asphalt and have curb and gutters.
 - 6. **Pavement Widths**. Each mobile home space shall abut an access road of not less than twenty (20) feet for two-way traffic and ten (10) feet for one-way traffic.
- J. A site plan showing the above shall be submitted with the request for establishing a mobile home park and shall contain the following additional information:

1. The proposed title of the project and the name of the engineer, architect, designer, or landscape architect, and the developer.
2. The northpoint, scale and date. The scale of the site plan shall be not more than fifty (50) feet to one (1) inch.
3. The boundaries of the property involved the general location of all existing easements, property lines, streets, and other existing physical features on or adjoining the project.
4. The general location and dimensions of proposed streets, driveways, curb cuts, entrances and exits, and parking spaces.
5. The general location of proposed mobile home sites, setback lines and easements.
6. General location, height and width of all fences, walls, screens, buffers, plantings and landscaping.

725.

DAY CARE SERVICES

Day care facilities may be allowed in various districts as a permitted use or as a special exception subject to the following conditions:

1. **General Requirements**: Before granting a special exception for establishment of a day care center or kindergarten, the Planning Commission shall receive a determination that the facility meets the requirements set forth in the South Carolina Department of Social Services Rules and Regulations Relating to Licensing Day Care Facilities and Child Care Centers.
2. **Fencing**: A fenced play area of not less than three thousand (3,000) square feet shall be provided. The number of children in the fenced play area at any time shall not exceed the ratio of one (1) child for every one hundred fifty (150) square feet of play area. No fence shall be less than four (4) feet in height.
3. **Loading and Unloading**: An area adequate for loading and unloading of children to be accommodated shall be provided and that area shall not be located within any public right-of-way.
4. **Play Equipment**: No play equipment shall be closer than ten (10) feet to any residential lot line.
5. **Facilities, Operation and Maintenance** shall meet the requirements of the Clarendon County Health Department.
6. **Additional Conditions**. The Planning Commission shall determine if additional safeguards and conditions are appropriate in order to protect children to be accommodated from detrimental

characteristics of use of adjacent areas, or to protect adjacent areas from potentially incompatible characteristics arising from the day care center.

725.1

CHILD CARE CENTERS IN AN OCCUPIED RESIDENCE

Child Care centers with thirteen (13) to twenty-two (22) children may be allowed in an occupied residence as a special exception if issued by the Zoning Board of Appeals, with conditions, including:

- A. A minimum lot size of at least two (2) acres (87,120 square feet);
- B. Proof of licensing and registration with the South Carolina Department of Social Services, including renewals every two (2) years;
- C. A site plan or plat, including floor plans, that includes adequate play areas, fencing, lighting, and driveway/child drop-off areas;
- D. Written agreement to allow outdoor play only between the hours of 8AM and 6PM;
- E. Certification that the facility is clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character, thereof;
- F. No childcare center shall be conducted in any detached accessory building;
- G. The facility is compatible with the surrounding neighborhood based upon a consideration of the number of persons cared for, potential traffic and noise impacts, location of play, parking, loading and circulation areas, and lighting;
- H. Adequate parking including one (1) parking space for the operator and each employee and one (1) additional space for each five (5) children. Parking demand generated by the use shall be met off the street and other than in a required front yard;
- I. Signs must be non-illuminated, placed flat against the wall, and not exceed one and one-half (1.5) square feet in area; and
- J. The center shall be subject to all applicable Town business licenses and other business taxes.

726.

GROUP DEVELOPMENTS

726.1

PLANNING COMMISSION REVIEW

Group developments can place internal burdens on the site on which it is located, and also create external impacts on the existing street system, surrounding land uses, and utility systems. For this reason, the site plans for group developments as defined in Sections 201.27 and 201.28 shall be approved by the Planning Commission. Criteria for review of plans are found in the Subdivision Regulations.

726.2

TYPES OF GROUP DEVELOPMENTS

- A. Group commercial or industrial developments consist of more than one (1) commercial or industrial structure erected on a single lot.

Group developments shall include single buildings containing more than one (1) commercial or industrial use, structure or business. A single building of twenty thousand (20,000) square feet shall be considered a group development and must be reviewed for offstreet parking requirements (design, ingress, egress, etc.)

- B. Group housing developments consist of:
 - 1. Any structure containing more than three (3) or more dwelling units, and
 - 2. More than one (1) structure containing dwelling units erected on a single lot.

726.3 REGULATION OF GROUP COMMERCIAL OR INDUSTRIAL DEVELOPMENTS

Group commercial or industrial developments may be established in any district provided that:

- A. They house only permitted or permissible uses for the district in which they are located.
- B. They meet all lot, yard, and other requirements of this Ordinance.
- C. Offstreet Parking Facilities: Offstreet parking facilities established in connection with such developments shall be reviewed by the Planning Commission to see that the design, location, and arrangement will not interfere with the efficient flow of traffic and with the access of emergency or service vehicles.
- D. They are reviewed by the Planning Commission. Before the Zoning Administrator may take action on any proposal for a zoning permit for the construction or enlargement of any group commercial or industrial development, the Planning Commission shall review site plans, descriptions, and other materials in order to determine the requirements of this Ordinance will be met by proposed development and further shall find that such development is in harmony with the intent and purposes of this Ordinance and shall certify such findings to the Zoning Administrator. In the event that the Planning Commission shall fail to report its findings to the Zoning Administrator within sixty (60) days from the time that all required materials are submitted, the Zoning Administrator may act upon such proposal as the Planning Commission had reported favorable on all aspects thereof.

726.4 ZONING DISTRICT IN WHICH GROUP HOUSING REGULATIONS ARE ALLOWED

- A. Group housing developments containing only detached single-family houses are allowed as special exceptions in R-5 and R-10.

The developments must also meet the minimum density requirements of the zoning district for each unit.

- B. Group housing developments containing detached and attached single-family houses are allowed as permitted uses in a RMF and GR District after approval by the Planning Commission.
- C. Lot area per dwelling unit: A group housing development shall conform to the minimum lot area per dwelling unit for the district in which it is located, provided however, that any group housing development containing more than one (1) structure shall have a lot area of at least twenty thousand (20,000) square feet. In any group development in which single-family detached housing is proposed, each unit shall be required to have five thousand (5,000) square feet of land area.
- D. Street access: Any building established in connection with such group housing development which does not face directly on a public street shall be provided with access to a public street by a paved driveway of not less than twelve (12) feet in width for one-way streets and twenty (20) feet in width for two-way streets. These widths are exclusive of parking spaces.

726.5 MINIMUM SPACING BETWEEN DETACHED PRINCIPAL RESIDENTIAL BUILDINGS

The minimum spacing between detached buildings shall be as follows:

Zoning District	Front to Front	Front to Side	Side to Side	Rear* to Front	Rear to Side	Rear to Rear
R-5	35'	25'	10'	100'	10'	20'
R-10	25'	20'	8'	100'	10'	20'
RMF, GR	25'	20'	6'	100'	10'	10'

* Rear to front minimum spacing may be reduced to fifty (50) feet if adequate buffer yard provisions are made as determined by the Planning Commission.

- A. Where a door accesses the side or rear of a unit, the setback should be increased by an additional five (5) feet for that unit.
- B. A minimum of twenty-five (25) percent of the property or land area shall be left in common open space. Any buffer strips or areas less than ten (10) feet wide shall not be included in the open space calculation.

727. BUFFER AREAS

727.1 DEFINITION

A buffer area is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon.

727.2 **PURPOSE**

The purpose of a buffer area is to ameliorate any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

727.3 **LOCATION**

Buffer area shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. For purposes of complying with this section, they shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any required front, side or rear yard setback. Where specified by this section, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

727.4 **DETERMINATION OF BUFFER AREA REQUIREMENTS**

Buffer Areas shall be required under the following circumstances.

- (1) **Type A Buffer Area Required** - Wherever a multi-family building, manufactured home park, or non-residential use is proposed, a Type A buffer area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street, except for driveways and visibility angles.
- (2) **Type B Buffer Area Required** - Wherever a manufactured home park, multi-family building, mini-warehouse, institutional or commercial use is proposed for a site or lot adjoining a single-family residential dwelling in the RS or GR Districts with no intervening public or private street or right-of-way of eighteen (18) feet or greater, a Type B Buffer Area shall be provided along the boundary of the adjoining residential property line.
- (3) **Type C Buffer Area Required** - Wherever an industrial, warehouse, outdoor storage, or related use is proposed for a site or lot adjoining any residential use in the RS or GR Districts with no intervening public or private street or right-of-way of eighteen (18) feet or greater, a Type C Buffer Area shall be provided along the boundary of the adjoining residential property line.

727.5

DESIGN STANDARDS

Three types of buffer areas are required by this Ordinance, Type A, Type B, and Type C. A description of each follows:

- (1) **Type "A" Buffer Area** - The Type A Buffer Area consists of low density landscaping and minimal acceptable separation between uses. The buffer area shall not be less than five (5) feet in width. Per 100 lineal feet of frontage, the buffer area shall consist of a combination of not less than 12 ornamental shrubs, two understory trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival. An example site plan is illustrated by the following diagram.
- (2) **Type "B" Buffer Area** - The Type B Buffer Area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 10 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 8 evergreen plants 10 feet on center. An example site plan is illustrated by the following diagram.
- (3) **Type "C" Buffer Area** - The Type C Buffer Area is a high density screen intended to exclude all visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 15 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double-staggered row 10 feet on center. An example site plan is illustrated by the following diagram.

727.6

BUFFER AREA SPECIFICATION

- (1) **Minimum Installation Size** - At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be not less than 6 feet in height, and all deciduous (canopy) trees shall be not less than 8 feet in height, except for ornamental shrubs for Type A Buffer Areas.
- (2) **Minimum Mature Size** - At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging 10 feet in height, and deciduous plant material used for screening shall average 25 feet in height.
- (3) **Staggered Planting** - Where required, evergreen and deciduous plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.

727.7

SUBSTITUTIONS

The following substitutions shall satisfy the requirements of this section:

- (1) **Existing Plant Materials** - Existing tree of 4 inches DBH (Diameter Breast High) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Zoning Administrator.
- (2) **Fence or Wall** - Where, owing to existing land use, lot sizes, or configurations topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, the developer(s) may request and the Zoning Administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the provisions of this Section.

An eight-foot fence or wall, as illustrated below, may be substituted for a Type "B" or "C" Buffer Area. All fences and walls used as part of this buffer area requirement must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished as owner deems appropriate.

727.8

RESPONSIBILITY

It shall be the responsibility of the proposed new use to provide the buffer area where required by this Ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such buffer area.

727.9

REQUIRED MAINTENANCE

The maintenance of required buffer areas shall be the responsibility of the property owner. All such area shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

727.10

USE OF BUFFER AREAS

A buffer area may be used for passive recreation; however no plant material may be removed. All other uses are prohibited, including off-street parking.

728. SCREENING

728.1 DEFINITION

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

728.2 PURPOSE

The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly open storage areas and to refuse disposal facilities.

728.3 WHERE REQUIRED

Screening specified by this section shall be required of all open storage areas, including auto repair garages and salvage yards, not devoted to retail sales visible from any public street, including open storage areas for building materials, appliances, trash containers of 4 or more cubic yards, salvage materials and similar unenclosed uses. In the case of auto repair garages and salvage yards, no more than four (4) automobiles can be visible to the public street at any time. Each of the automobiles can remain visible for no more than seven (7) days at a time.

728.4 TYPE SCREENING REQUIRED

Screening shall be accomplished by an opaque divide not less than eight (8) feet high. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Zoning Administrator.

729. LANDSCAPING

729.1 DEFINITION

Landscaping is a type of open space permanently devoted and maintained for the growing shrubbery, grass, other plants, and decorative features of the land.

729.2 PURPOSE

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land in the city; to promote public health and safety through the reduction of noise pollution, storm water run off, air pollution, visual pollution, and artificial light glare.

729.3 WHERE REQUIRED

No proposed commercial, institutional, industrial or other non-residential use shall hereafter be established and subsequently used unless

landscaping is provided in accord with the provisions of this section. No existing building, structure or vehicular use area shall be expanded or enlarged unless the minimum landscaping required by the provisions of this section is provided to the extent of the alteration or expansion. Landscaping is not required for existing uses, nor is it required in the CC District.

729.4 **LANDSCAPING PLAN**

A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
- (3) Identify all existing trees 8" DBH (Diameter Breast High) in required setback (yard) areas.

729.5 **LANDSCAPING REQUIREMENTS**

Required landscaping shall be provided as follows:

- (1) **Along the outer perimeter of a lot or parcel**, where required by the buffer area provisions of this Article to buffer and separate incompatible land uses. The amount specified shall be as prescribed by Section 4.728.
- (2) **Within the interior**, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 20 or more parking spaces. Landscaped areas shall not be less than 5' x 6' and located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designated to soften and complement the building site.

At a minimum, interior lot landscaping shall be provided in the following amounts:

Should percentages be higher?	<u>Use</u>	<u>% of Lot</u>
	Institutional	15%
	Industrial/wholesale/storage	10%
	Office	10%
	Commercial-retail-service	10%

Buffer area landscaping may provide up to 50 percent of the above requirement. Landscaping along exterior building walls and structures is suggested to separate with greenery the building from the vehicular surface area.

730.6

LANDSCAPED AREAS

- (1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.

- (2) Landscaped areas must be at least 25 square feet in size and a minimum of three feet wide to qualify.

- (3) Landscaped areas adjacent to parking spaces shall be landscaped so that no plant material greater than 12 inches in height is located within two feet of the curb or other protective barrier. (Plant greater than 12 inches in height would be damaged by the automobile bumper overhang or by doors swinging open over the landscaped areas.)

730.7 **REQUIRED MAINTENANCE**

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this Ordinance and may be remedied in the manner prescribed for other violations.

731 **COMMON OPEN SPACES**

731.1 **DEFINITION**

Common open space is land and/or water bodies used for recreation, amenity or buffer; it shall be freely accessible to all residents and property owners of a developments, where requires by this Ordinance. Open Space shall not be occupied by buildings or structures other than those in conjunction with the use of the open space, roads or parking nor shall it include the yards or lots of residential dwelling units required to meet minimum lot area or parking area requirements.

731.2 **PURPOSE**

The purpose of this section is to ensure adequate open space for high density residential development; to integrate recreation, landscaping, greenery and/or natural areas into such project; and to compensate for the loss of open space inherent in single-family residential projects.

731.3 **WHERE REQUIRED**

The following uses/projects consisting of nine or more units shall provide common open space in the amounts prescribed:

Proposed Uses/Projects	Common Open Space Ratio (% Lot)
Cluster Developments	25%
Townhouse Projects	15%
Mobile/Manufactured Home Parks	15%
Multi-family Projects	20%
Planned Developments	25%

- (1) **New Sites:** No proposed development, building or structure in connection with the above shall hereafter be erected or used unless common space is provided in accord with the provisions of this section.
- (2) **Existing Sites:** No existing development, building or structure in connection with the above shall be expanded or enlarged unless the minimum open space required by the provisions of this section are provide to the extent of the alteration or expansion.

731.4 COMMON OPEN SPACE PLAN

Proposes uses/projects set forth in 731.3 shall submit an open space or landscaping plan as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved as open space. The specific design of open space shall be sensitive to the physical and design characteristics of the site.
- (2) Designate the type of opens pace which will be provided, and indicate the location of plant materials, decorative features, recreational facilities, etc.
- (3) Specify the manner in which common open space shall be perpetuated, maintained and administered.

731.5 TYPED OF COMMON OPEN SPACE AND REQUIRED MAINTENANCE

The types of common open space which may be provided to satisfy the requirements of this Ordinance together with the maintenance required for each are as follows:

- (1) Natural Areas are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Maintenance is limited to removal of litter, dead trees, plant materials and brush. Natural water courses are to be maintained so as not to alter floodplain levels.
- (2) Recreational areas are designed for specific active recreational uses such as tot lots, tennis courts, swimming pools, ball fields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to ensuring that there exist no hazards, nuisances, or unhealthy conditions.
- (3) Greenways are linear green belts linking residential areas with other space areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum of removal and avoidance of hazards, nuisances or unhealthy conditions.

- (4) Landscaped areas, lawns and required buffers, including creative landscaped areas with gravel and tile, so long as the tile does not occupy more than two percent of the required open space. Lawns, with or without trees and shrubs shall be watered regularly to ensure survival, and mowed regularly to ensure neatness. Landscaped areas shall be trimmed, cleaned and weeded regularly.

731.6

PRESERVATION OF OPEN SPACE

Land designed as common space may not be separately sold, subdivided or developed. Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space may be owned, maintained or preserved as required by this section by any of the following mechanisms or a combination thereof:

- (1) Dedication of and acceptance by the Town.
- (2) Common ownership of the open space by a homeowner's association which assume full responsibility for its maintenance.
- (3) Deed restricted, private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide the maintenance.

In the event that any private owner of open space fails to maintain same, the Town may, in accordance with the Open Space Plan and following reasonable notice, demand that deficiency of maintenance be corrected, and enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having primary responsibility for the maintenance of the open space.

732

TREE PROTECTION

732.1

PURPOSE

The purpose of this section is to prevent the clear cutting of building sites, a practice which destroys the balance of nature, leads to sedimentation and erosion, contributes to air and water pollution, and unnecessarily robs the community of valuable natural spaces.

732.2

EXISTING (SIGNIFICANT) TREES

Any healthy tree greater than ten (10 inches DBH (Diameter Breast High) is a valuable natural resource, all said trees meeting this measurements shall be referred to as "significant" trees and protected to the extent practical and feasible.

For Major Subdivisions, as defined by the Town of Summerton Land Development Regulations, all existing significant trees located in all

required yards, open spaces and buffer areas shall be flagged and shown on the required plat or site plan for a building permit or grading permit.

In Major Subdivisions, no more than 25 percent of said trees shall be felled or removed, except by order of the Board of Zoning Appeals owing to unique circumstances surrounding the development of the property.

Where, due to unusual topographic conditions or circumstances peculiar to a given site, more than 25 percent of the trees to be preserved must be felled, replacement trees measuring not less than four (4) inches DBH shall be planted in like number. To the extent possible, said trees shall be integrated into the required landscaping.

732.3 **REMOVAL OF EXISTING SIGNIFICANT TREES**

Removal of existing significant trees shall be prohibited prior to securing a grading and/or building permit. However, in the event that a tree poses a severe or imminent threat to public safety or property, the Zoning Administrator may waive the requirements of this section. Written findings must later be issued, outlining the threat which initiated the removal. The Zoning Administrator or their designee may require replacement of any trees which are removed where it is determined that the threat resulted from negligence.

732.4 **SIGNIFICANT TREES REMOVED WITHOUT PERMITS**

(1) Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sited were cleared of significant trees in violation of this section, replacement trees shall be planted in accordance with a replacement schedule approved by the Board of Zoning Appeals. The Zoning Administrator or their designee shall recommend the number, species, DBH, and location of replacement tree, according to the following criteria:

- (a) combined DBH of replacement trees is equal to or greater than three (3) times the DBH of the trees removed; or
- (b) Individual replacement trees are of the largest transplantable DBH available.

(3) Where significant tree removal is necessitated by emergencies or death and disease of trees due to natural causes, as determined by the Zoning Administrator or their designee, replacement will not be required.

732.5**DEVELOPMENT PRECAUTIONS**

After the necessary permit approvals have been granted, and before any site work begun, the developer shall cause protected trees to be marked with surveyor's flagging.

During development of a Major Subdivision, a minimum protective zone, marked by barriers, shall be established at the "drip line" and maintained around all protected trees. There shall be no construction, paving, grading, operation of equipment or vehicles or storage of materials within this protected zone.

732.6**CUTTING, ETC. OF SIGNIFICANT TREES**

No person during the development of a Major Subdivision shall cut down, remove, relocate, damage, destroy, or in any manner abuse any significant tree on any lot or tract or public right-of-way in the Town unless authorized by the terms in this section or unless approved by the Zoning Administrator.